I. Rejections under § 102(a)

The Examiner rejected claims 1, 5, 6, 8, 14, 18, 19, 20, 24, 25, 26, 27, 28, and 29 under 35 U.S.C. § 102(a) as anticipated by Webcrawler. Applicants respectfully traverse.

Applicants have filed herewith a Declaration under 37 C.F.R. § 1.131 showing that the present invention was reduced to practice before October 23, 1996, the alleged publication date of the Webcrawler reference. For at least this reason, Applicants respectfully submit that Webcrawler does not anticipate claims 1, 5, 6, 8, 14, 18, 19, 20, 24, 25, 26, 27, 28, and 29.

II. Rejections under § 103(a)

The Examiner rejected claims 2, 3, 4, 7, 10, 11, 12, 13, 15, 16, 17, 21, 22, and 23 under 35 U.S.C. § 103(a) as unpatentable over Webcrawler in view of Dazey. Applicants respectfully traverse.

A. Webcrawler is not prior art

As previously discussed, Applicants reduced the present invention to practice before October 23, 1996, the alleged publication date of the Webcrawler reference. For at least this reason, Applicants respectfully submit that the proposed combination does not obviate claims 2, 3, 4, 7, 10, 11, 12, 13, 15, 16, 17, 21, 22, and 23.

B. Even if Webcrawler were prior art, there would be no motivation to make the proposed combination

1. The references teach away from the proposed combination

The present invention is directed to a help system that is optimized for the network environment, particularly the world-wide-web environment. Claim 1, as previously amended, requires at least two windows: (i) a web page window that includes a web page; and (ii) a help window that includes instructions that describe how to accomplish functions in the web page. In

this way, the present invention presents a world wide web user with instructions that describe how to accomplish functions in a web page without replacing that page in the browser. This feature is highly desirable because a user can perform the acts suggested by the help page while viewing those instructions.

The primary reference in this case is a webpage on which the user can click on a "help" icon. While this action leads to the display of help information, Webcrawler does not do so in a help window. Instead, Webcrawler requires that the user first navigate to a help page, then either (i) memorize the instructions contained therein, then hit the back button to return to the original web page, then wait for the browser to reload the original web page, then perform the suggested actions; or (ii) instruct the browser to navigate to yet another web page, then wait for this new web page to load, and then hope that the new web page contained the elements necessary to perform the desired actions.[1] Significantly, all of this information is presented in the same window, not in a second help window. In essence, Webcrawler is simply a minor variation of the conventional "web page" technique described in the Related Art section of Applicants' Specification.

The secondary reference describes a conventional, stand-alone help system for an application executing on a workstation. When the "help" feature is invoked, the application graphics displayed on the monitor are augmented with information pertaining to the operation and/or maintenance of the application. Significantly, Dazey does not teach or suggest using the Internet for any purpose, much less how to solve the problems inherent therein. Thus, Dazey is also a minor variation of the conventional "application help" technique described in the Related Art section of Applicants' Specification.

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[1] *Compare* Figures 1 and 3 in the 7/15/04 Office Action, particularly the "choose one of these categories," results-format, and number-of-results sections.

The Federal Circuit has held that a reference can teach away by merely presenting a suggested mode and not including the claimed mode. When the claimed invention is inconsistent with the accepted wisdom as taught by the references, this is teaching away and, in turn, strong evidence of non-obviousness. *In re Hedges*, 228 USPQ 685 (Fed. Cir. 1986). This is true even if the references do not expressly disparage the claimed invention. *Id.*

This rational is even more forceful where, as here, the claimed method provides significant advantages over the accepted wisdom. For example, both options in Webcrawler are awkward and extract a heavy penalty in terms of both human and machine performance, particularly if the new "third" page did not contain the required elements. Webcrawler's second option, in particular, requires the use of a modified original page. While end users may be able to translate between two versions of a simple page, many web pages (e.g., IRS forms) are too complex and/or have a mandatory format. In addition, the Dazey system fails to provide the ability to update and/or supplement the help information, in contrast to the claimed invention.

2. The cited references do not suggest the desirability of the proposed combination

Although pop-up windows and web-based help systems are perhaps all-too-common in 2004, it is important to recognize that Applicants filed for patent protection in the very infancy of the Internet revolution. Back in 1996, most people accessed the Internet, if at all, through 28.8 kbs or 33.6 kbs modems, which required large amounts of time to connect to the Internet and even larger amounts of time to download any web pages. The Netscape browser did not include any support for Javascript (the HTML compatible code used some embodiments in the Specification) before December 1995 and did not include it in a production release until March 1996. The Internet Explorer browser was even farther behind; it did not provide official Javascript support until August 1996. *See Appendices A and B.*

To help avoid using hindsight reasoning in long pending cases like this one, the Federal Circuit has repeatedly made clear that the prior art must suggest the desirability of the combination. E.g., MPEP § 2143.01; *In re Fine*, 5 USPQ2d 1596, 1599 (Fed. Cir. 1988); *In re Mills*, 16 USPQ2d 1430 (Fed. Cir. 1990). Or in other words:

> To imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art reference or references of record convey or suggest that knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher.
>
> It is difficult but necessary that the decision maker forget what he or she has been taught . . . about the claimed invention and cast the mind back to the time the invention was made (often as here many years), to occupy of one skilled in the art who is presented with only the references, and who is normally guided by the then-accepted wisdom in the art.

W.L. Gore & Associates, Inc. v. Garlock, Inc., 220 USPQ 303, 312-13 (Fed. Cir. 1983).

In this case, Applicants respectively submit that the reproduced Webcrawler pages fail to suggest the desirability of allowing the user to simultaneously view both a help page and the web page to which it pertains. Instead, Webcrawler is a simply a minor variation of the conventional technique of displaying help information in the main work area of the browser. Moreover, Applicants respectfully submit that reproduced pages fail to suggest <u>any</u> modifications to a help system, much less the claimed invention. Anything suggested by Webcrawler would be directed at improving the quality of search results, not at improving methods of presenting help information.

The Examiner's secondary reference also fails to suggest the proposed combination. Dazey is simply a conventional, stand-alone help system. As such, it fails to contemplate obtaining help information from the Internet.

The Related Art section of the present application discusses conventional web page help systems and stand-alone help systems. The Examiner appears to be citing an example of each type of system and arguing that it would be obvious to combine the two examples. However, the

only place that suggests this combination is Applicants' own Specification. The Federal Circuit has made it clear that an applicant's own disclosure cannot be used as a "blueprint" to reconstruct the claimed invention out of isolated teachings of the prior art. E.g., *Grain Processing Corp. v. American Maize-Products*, 5 USPQ2d 1788, 1792 (Fed. Cir. 1988).

III. Fees

Applicants do not believe that any fees are associated with this preliminary amendment. However, the Patent Office is authorized to charge any fees, or credit any overpayments, to deposit account 09-0465.

IV. Conclusion

It is believed that the present application is in condition for allowance and a prompt and favorable allowance of all claims is respectfully requested. If the Examiner, upon considering this amendment, thinks that a telephone interview would be helpful in expediting allowance of the present application, he/she is respectfully urged to call the Applicant's attorney at the number listed below.

Respectfully submitted,

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Netscape Navigator

(Netscape Communications®)

= Index DOT Html/Css by Brian Wilson =

Index DOT Html: **Main Index** | **Element Tree** | **Element Index** | **HTML Support History**
Index DOT Css: **Main Index** | **Property Index** | **CSS Support History** | **Browser History**

Platforms -4.x

Macintosh: 68K, Power Mac
PC: Win9x, 3.X, NT [Intel and Alpha], 2000/XP
Unix: AIX, BSDI, HP-UX, IRIX, Linux, OSF, Sparc Solaris, SunOS
Other: Alpha, OS/2, VAX

Platforms 6.x+

Macintosh: OS 8.5-9.x, OSX
PC: Win95/98/ME, NT/2000/XP
Unix: AIX, BSDI, HP-UX, IRIX, Linux, OpenVMS, Solaris, Tru64
Other: BeOS, OS/2

About the Browser

In mid-1994, Silicon Graphics founder Jim Clark collaborated with Marc Andreessen to found Mosaic Communications (later renamed to Netscape Communications.) Andreessen had just graduated from the University of Illinois, where he had been the leader of a certain software project known as "Mosaic". By this time, the Mosaic browser was starting to make splashes outside of the academic circles where it had begun, and both men saw the great potential for web browsing software. Within a brief half-year period, many of the original folk from the NCSA Mosaic project were working for Netscape, and a browser was released to the public.

Netscape quickly became a success, and the overwhelming market share it soon had was due to many factors, not the least of which was its break-neck pace of software releases (a new term was soon coined - "internet time" - which described the incredible pace at which browsers and the web were moving.) It also created and innovated at an incredible pace. New HTML capabilities in the form of "extensions" to the language were introduced. Since these capabilities were often flashier than what other run-of-the-mill browsers could produce, Netscape's browser helped cement their own dominance. By the summer of 1995, it was a good bet that if you were browsing the Internet, you were doing so with a Netscape browser - by some accounts Netscape had as much as an 80%+ market share.

With the launch of Windows 95 and a web browser of its own (Internet Explorer) in August 1995, Microsoft began an effort to challenge Netscape. For quite a while, Internet Explorer played catch-up to Netscape's continual pushing of the browsing technological envelope, but with one major advantage: unlike Netscape, Internet Explorer was free of charge. Netscape version 2.0 introduced a bevy of must-have breakthrough features (frames, Java, Javascript and Plug-ins) which helped distance it from the pack, even *with* its attendant price tag. Mid-1995 to late-1996 was a very busy time for both browsers; it

seemed like every week one company or the other was releasing a new beta or final version to the public, each seemingly trying to one-up the other.

But slowly, Internet Explorer gained market share ground. By the fourth generations of both browsers, Internet Explorer had caught up technologically with Netscape's browser. As time went on, Netscape's market share diminished from its once-towering percentages.

In January 1998, Netscape made an announcement that their browser would thereafter be free, and also that the development of the browser would move to an open-source process. This came as wonderful news to many on the Internet. But the time between this announcement, and the actual delivery of Mozilla 1.0 would be a long road (over 4 years.) The process ended up taking much longer than originally anticipated, what with the Netscape/AOL merger and the late-hour decision to integrate an entirely new next-generation HTML rendering engine.

Even with the tantalizing promise for authors of finally having a wide-distribution browser that completely adheres to the official language standards for HTML, CSS, DOM and ECMAScript, the market-share that Netscape once held has mostly evaporated (by many accounts its market share is now down below 20%.) Its initial release of Netscape 6.0 was considered slow and buggy, and adoption was slow to occur. Now that Mozilla has finally reached what it considers to be a significant milestone in its development process (1.0 - which Netscape 7.0 is based on), perhaps those market share usage numbers will increase again...certainly the latest releases are very stable, much faster and support an ever-growing variety of standards and features.

Mozilla *IS* Netscape 6+

Since work on Mozilla began, the real work and interesting news really happens there. Many people have asked why I also do not include coverage of Mozilla here on this site. The answer is: I already do - from what I can tell there are no significant differences of any kind between the Mozilla code and the corresponding Netscape code with respect to HTML/CSS support. The only difference is that Netscape is based on Mozilla code that is not always the most current. Mozilla support information ***IS*** listed here if you know how to interpret it.

The Future

It doesn't look like Netscape will be much of a marketshare threat to anyone anymore. As already mentioned, the real work goes on with the Mozilla project now, but it is uncertain how this open source project will fare and progress now that its corporate parent has loosened its ties. The all-in-one suite approach that Mozilla has pursued up to its 1.0 milestone has been changing. The new stand-alone browser (Firebird) and email client (Thunderbird) projects attempt to trim down the mass that any application suite tends to carry with it. Will "diet Mozilla" attract a bigger audience? Time will, of course, tell.

Version	Released	Features
1.0B1	**Oct. 1994**	The First Beta of version 1 (version 0.9) The original release of the browser supports all basic HTML 2 elements and some limited HTML 3 functionality.
1.0	**Dec. 1994**	Final Release of version 1.0

1.1B1	**Mar. 1995**	The first Beta of version 1.1 added table support as well as many of its own new HTML elements and attributes.
1.1	**Apr. 1995**	Final Release of version 1.1
1.2B1	**Jun. 1995**	First Beta of version 1.2 which updated the user interface for Windows 95 and added no new HTML support.
1.2	**Jul. 1995**	Final Release of version 1.2
2.0B1	**Oct. 1995**	First Beta of the Navigator release added several HTML 3 elements, Frames and the ability to handle Java.
2.0B3	**Dec. 1995**	This version added the ability to process JavaScript
2.0	**Mar. 1996**	Final Release of version 2.0
3.0B1	**Apr. 1996**	First Beta which was originally titled Atlas, this release added many new plug-ins, and support for background colors in tables.
3.0B5	**Jul. 1996**	This version adds support for underlining, frame border control and Font FACE styles. It also adds new elements to allow for column layout (<Multicol>) and spacing control (<Spacer>)
3.0B7	**Aug. 1996**	The only new HTML feature in this version appears to be the ARCHIVE attribute to the APPLET element.
3.0-3.04	**Aug. 1996-Oct. 1997**	Final Release of version 3. Point releases beyond this add no new HTML support, just address Javascript functionality and security bugs.
4.0B1	**Dec. 1996**	Preview release of 4.0 (Netscape Communicator.) This adds the new LAYER element that allows precise positioning control in documents.
4.0B2	**Feb. 1997**	Second preview release of 4.0 (Netscape Communicator.) This adds in-line layering, and Cascading/JavaScript Style Sheet Support.
4.0B3	**Apr. 1997**	Third preview release of 4.0 (Netscape Communicator.) Improves upon the very rudimentary style sheet support in Beta 2 (PR2.)
4.0B4/5	**May. 1997**	Fourth and fifth beta of 4.0. Beta 4 was a PC-only release with minor HTML improvements, while Beta 5 is cross-platform and adds the Netcaster push technology.
4.0-4.08	**Jun. 1997-Nov. 1998**	Final Release of Communicator. Final tally adds more CSS support (much but not all of the CSS1 spec and the

		CSS positioning draft are implemented), minimal dynamic font and OBJECT element support. Point releases beyond this add no new HTML support, just address security bugs.
	Jan. 1998	**Netscape announces its browser will be free. Also announced: Browser source code will be made available for free on the Internet. Mozilla project begins**
4.5B1	**Jul. 1998**	Various functionality improvements, but no new HTML or CSS support.
4.5B2	**Sep. 1998**	Beta 2.
4.5-4.8	**Oct. 1998-Aug. 2002**	4.5 final release. Point releases beyond this add no new HTML support, just address bugs.
	Nov. 1998	**Netscape decides to integrate its new NGLayout rendering engine (Gecko) into Mozilla (v.6.0) AOL Buys Netscape for a ~$4.3 billion stock transaction ($~8.98 billion by the time the sale was finalized.)**
	Jan. 2000	Mozilla project hits Milestone 13 (M13) - considered to be first "alpha" quality release of the project.
6.0B1	**Apr. 2000**	Netscape/AOL releases 6.0 PR1 - its first all new beta browser in several years. This release integrates the Mozilla code approximately from the Milestone 14 (M14) work.
6.0B2	**Aug. 2000**	Netscape/AOL releases 6.0 PR2. This release integrates the Mozilla work from ~ the Milestone 17 (M17) timeframe.
6.0B3	**Oct. 2000**	Netscape/AOL releases 6.0 PR3. This release integrates the Mozilla work from ~ the Milestone 18 (M18) timeframe.
6.0	**Nov. 2000**	Final release of version 6.0. Based on the Mozilla 0.6 milestone.
6.01	**Feb. 2001**	Update release based on Mozilla 0.6.1 milestone.
6.1PR1	**Jun. 2001**	Pre-release of 6.1.
6.1	**Aug. 2001**	Update release based on Mozilla 0.9.2. Includes bug fixes, and is much quicker and more stable than original 6.0 release.
6.2	**Oct. 2001**	Update release based on Mozilla 0.9.4 milestone.
6.2.3	**May. 2002**	Update release also based on Mozilla 0.9.4 milestone.

	May. 2002	**Mozilla finally reaches the 1.0 milestone**
7.0PR1	**May. 2002**	Pre-release of 7.0, based on the Mozilla 1.0 RC2 code.
7.0	**Aug. 2002**	Final release of Netscape 7.0, based on the Mozilla 1.0.1 code. Deactivates the popular popup-blocking Mozilla feature by default.
7.01	**Dec. 2002**	Update release based on Mozilla 1.0.2. Re-instates the popup-blocking feature.
7.02	**Feb. 2003**	Update also based on Mozilla 1.0.2. Minor security and stability changes.
7.1	**Jun. 2003**	This update synchronizes Netscape with the Mozilla codebase of the time: Mozilla 1.4.
	Dec. 2002	**Major layoffs/reassignments at Netscape/AOL**
	May. 2003	**Microsoft resolves a lawsuit with Netscape parent company AOL in a $750 million settlement. AOL will continue distributing Microsoft's Internet Explorer instead of Netscape.**
	Jul. 2003	**AOL cuts Mozilla loose and transforms the open source project into a non-profit organization with 2 Million US dollars in seed funding. AOL's Netscape division suffers another major layoff round, cutting 50 employees.**

Internet Explorer (Windows) (Microsoft®)

= Index DOT Html/Css by Brian Wilson =

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Platforms

Macintosh: OS8.1-9.x, OSX
PC: Win95/98/ME, 3.X, NT [Alpha, Intel, Mips, PPC], 2000/XP
Unix: Solaris, HP-UX

About the Browser

The original IE 1.0 browser code was licensed from Spyglass (a commercial arm for the NCSA Mosaic browser work), but the Microsoft team quickly made a big mark on the original codebase. The first two product cycles occurred within a very short span of time, and allowed the browser to gain a little bit of ground against its main rival - Netscape.

Netscape, meanwhile, launched its ambitious 2.0 version, which introduced the browsing world to Javascript, frames, and Plug-in technology. For a while, it looked like Microsoft would forever play second-fiddle to catch up to the ever-dominant Netscape. This was when the infamous "Browser Wars" began in earnest... and despite the technological ground it needed to gain, Internet Explorer market share slowly grew.

Internet Explorer 3.0 brought the Microsoft browser MUCH closer to the bar that had been set by Netscape than ever before (integrating frames, plug-ins technology and a reverse-engineered version of Javascript) while also innovating in new areas (CSS and VBScript.) But, when the companies released their fourth generation browsers, it marked a decided turning point in the so-called "war." Internet Explorer 4.0 was a tremendous leapfrog ahead of Microsoft's previous browser version. Most importantly, IE 4.0 finally met (or exceeded) most of the capabilities of its rival's browser.

In the long intervening years since IE 4.0's release, Netscape took a long time to answer the challenge posed by IE. It took the Mozilla project more than 4 years to release its "1.0" version. Meanwhile, the market share for the Internet Explorer browser has finally succeeded in its goal of having dominant market share. It now commands (by many reports) approximately 80% of the browser market or more, with Netscape trailing far behind.

Will this trend continue? Will a new version of another browser rise to take IE's crown? Only time will tell...

Browser Timelines

The time line represented below is for the 32 bit versions. Other IE platforms, including 16-bit windows, do not ship simultaneously with the 32-bit versions. Consequently there have been some intermediate version numbers on other platforms that are not detailed here.

IE 1.5: Includes HTML Table support, but no IE 2.0 HTML extensions such as Marquees and BGSounds.

IE 2.1: Supports frames and complex tables but no Javascript, Java or ActiveX ability.
IE 2.5: The features of 2.1 plus Javascript support, but still no Java ability and ActiveX.

Shipping Vehicles

Over the course of its history, Microsoft has shipped various versions of IE as the default browser on its operating systems.

IE Version	Shipped With
1.0	**Win 95 PLUS pack** (not part of Win95 by default)
2.0	**Win NT4**
3.0	**Win 95 OSR2**
4.0	**Win 98**
5.0	**Win 98 SE** and **Win 2000**
5.5	**Win Millennium Edition (ME)**
6.0	**Win XP Home/Pro**

Browser/OS Integration

Beginning with IE version 3, the browser and its components became very tightly coupled with the Microsoft operating systems they were installed on (which was an issue in a major lawsuit against the company.)
This had several effects:

- IE could not be uninstalled from the system
- IE could only be upgraded to versions newer than the default version for an operating system
- Multiple versions of IE could not exist at the same time on a system

In May, 2003 Microsoft stated that it would no longer produce new stand-alone versions of its browser, and that the browser would only be upgraded when installing new versions of its operating system. The implications of this are not trivial: users of any existing Microsoft OS will never be able to get an upgrade for their IE browser on their current systems.

The Future

When the newest version of IE ("IE7"?) finally comes shipped with Microsoft's next operating system (currently code-named "Longhorn"), it will have been about 4 years since the release of IE6. Microsoft's browser is currently firmly entrenched as the dominant browser on the Windows platform now, but this long time-frame gives its competitors time to build some steam. The fact that IE will no longer receive new version updates on any ***existing*** operating system seems like a risky move, as many people as well as companies do not upgrade right away. This could give competitors a chance to build market share. Time will, of course, tell.

Version	Released	Features

1.0	**Aug. 1995**	This was the base release included in the Windows 95 PLUS pack product release.

2.0B1	**Oct. 1995**	The Beta release of 2.0 came very soon after the 1.0 version and added support for tables and several new HTML elements.
2.0	**Nov. 1995**	Version 2.0 Final Release
		IE2 shipped with Windows NT 4.0

3.0A1	**Mar. 1996**	This limited release of 3.0 adds full support for the current HTML tables specification, frames and more HTML elements.
3.0B1	**May. 1996**	The first public release of 3.0 added scripting support (VB and Java) as well as more HTML support in addition to the features available in the first Alpha
3.0B2	**Jul. 1996**	The second beta release of 3.0 added support for Cascading Style Sheets and Java applets.
3.0	**Aug. 1996**	Version 3.0 Final Release
3.01	**Oct. 1996**	Version 3.0 Update Release. Among other things, fixed a major behavioral bug in style sheet margin treatment.
		IE3 shipped with Windows 95 OSR2

4.0B1	**Apr. 1997**	Also known as the Platform Preview 1, this is the first release of a major update to the browser. Improved style sheet support and Microsoft's Document Object Model add many new attributes and display abilities to the browser.
4.0B2	**Jul. 1997**	Also known as the Platform Preview 2. *MANY* changes and additions in style sheet support, HTML capabilities and other things.
4.0	**Oct. 1997**	Version 4.0 Final Release. Many more changes and additions in style sheet support, HTML capabilities and other things.
4.01	**Nov. 1997**	Version 4.0 update Release.
		IE4 shipped with Windows 98

5.0B1	**Jun. 1998**	Also known as the Developer Preview, this is a new major update to the browser. Support for more CSS2 features is a highlight of this release.
5.0B2	**Nov. 1998**	Also known as the Public Preview. Bi-directional text, rubies and direct XML/XSL support are new features included in this release. Also included are many new CSS properties.

5.0	**Mar. 1999**	Version 5.0 Final Release. **IE5 shipped with Windows 98SE and Windows 2000**
5.5B1	**Dec. 1999**	Also known as the Developer Preview. A few changes to the implementation of frames and some new CSS properties are supported.
5.5	**Jul. 2000**	Version 5.5 Final Release. **IE5.5 shipped with Windows Millennium Edition (ME)**
6.0B1	**Mar. 2001**	More CSS changes and bug fixes to be more spec-compliant.
6.0	**Oct. 2001**	Version 6.0 Final Release. Released in conjunction with Microsoft Windows XP.
6.0SP1	**Sep. 2002**	Security fix update. **IE6 shipped with Windows XP Home/Pro**
	May. 2003	**Microsoft settles pending lawsuits with AOL/TimeWarner. Part of the settlement includes 750 Million US dollars plus an agreement for AOL to continue to use IE, royalty-free, as its default browser for the next 7 years.**
	May. 2003	**Microsoft announces that IE will no longer be released as a stand-alone browser, rather it will only be released with new operating system releases.**